

U.S. Department of Labor

Office of Administrative Law Judges
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Issue date: 06Jun2001

CASE NO. : 2000-CLA-00011

In The Matter of:

**ELAINE CHAO, SECRETARY OF LABOR,
UNITED STATES DEPARTMENT OF LABOR**
Complainant

v.

ANGELO'S MARKET
Respondent

DECISION AND ORDER APPROVING CONSENT FINDINGS

The parties, pursuant to 29 C.F.R. § 18.9, (made applicable to these proceedings by virtue of 29 C.F.R. § 580.7(a)), hereby agree to the following Consent Findings:

1. By notice dated June 1, 1999, and issued by the Wage and Hour Division, Employment Standards Administration, pursuant to Section 16(e) of the Fair Labor Standards Act as amended, hereinafter the Act, 29 U.S.C. § 216(e), and in accordance with Departmental Regulations at 29 C.F.R. Part 579, a civil money penalty in the amount of \$4,800.00 was assessed against Respondent as a result of the employment of minors who were employed in violation of the child labor provisions of Section 12 of the Act (29 U.S.C. § 212) and the pertinent Regulations issued thereunder at 29 C.F.R. Part 570.

2. Respondent timely filed with the Administrator of the Wage and Hour Division, Employment Standards Administration, by letter dated June 4, 1999, an exception to the assessed civil money penalty and to the determination that the child labor violations occurred for which the penalty was assessed.

3. Subsequent to the filing of the exception, the Regional Solicitor for Region I, United States Department of Labor, by Order of Reference, referred this case on February 11, 2000, to the Chief Administrative Law Judge of the Department, pursuant to 29 C.F.R. § 580.10.

4. Complainant alleges and Respondent admits that at all times pertinent hereto Respondent has been an enterprise engaged in commerce or in the production of goods for commerce within the meaning of Sections 3(r) and 3(s) of the Fair Labor Standards Act of 1938, as amended 29 U.S.C. §§ 203 (r) and 203(s).

5. Respondent certifies that it is presently in compliance with the child labor provisions of Section 12 of the Fair Labor Standards Act of 1938, as amended 29 U.S.C. § 212, and the regulations set forth at 29 C.F.R. Part 570, and further says, that it will continue in compliance therewith.

6. Upon reconsideration of the amount of civil money penalties assessed in this cause, Complainant does hereby modify the notice of penalty by reducing the assessment of civil money penalties to \$250.00, by certified check payable to "Wage & Hour - U.S. Department of Labor".

7. Respondent hereby withdraws its exception to the assessment of civil money penalties, and agrees to accept the modified penalty as final and binding, and will make payment to the Complainant upon the execution of these Consent Findings, on or before June 1, 2001.

8. Any order entered in accordance with these Consent Findings shall, pursuant to 29 C.F.R. § 18.9(b)(1), have the same force and effect as an order made after full hearing.

9. The entire record upon which any final order may be based shall, pursuant to the provisions of Departmental Regulations at 29 C.F.R. § 18.9(b)(2), consist of the June 1, 1999 Notice of Penalty, as modified herein, and these Consent Findings.

10. The signing of these Consent Findings waives any claim either party has to costs and/or attorney fees.

11. All further procedural rights provided by 29 C.F.R. Part 580, and any rights to contest the validity of these Consent Findings or any order issued pursuant hereto are hereby waived, as provided by 29 C.F.R. §§ 18.9(b)(3) and (4).

This Administrative Law Judge, having reviewed the Consent Findings, concludes that this settlement is in the

best interests of all the parties and it is therefore **ORDERED**
that the

settlement agreement shall be, and the same hereby is **APPROVED**
pursuant to the provisions of 29 C.F.R. § 6.32.

A
DAVID W. DI NARDI
Administrative Law Judge

Boston, Massachusetts
DWD:km